IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Original Jurisdiction

Dated: Nainital: the 27th day of October, 2006
Crl. Bail Application No. 268 of 2006

Order on the Bail Application:
CRIMINAL SIDE

Fathe Singh S/o Mevaram
R/o Village Khanjarpur,
P.S. Kotwali Roorkee,
District Haridwar. ..... Applicant

Versus

State of Uttaranchal ..... Opposite Party

Arising out of Crime No. 325 of 2005
Under Sections: 302 of I.P.C.
Police Station: Kotwali Roorkee
District: Haridwar.

Hon'ble Prafulla C. Pant, J.

Heard Mr. Rajendra Singh, Advocate and Mr. Mohd. Safdar, Advocate for the applicant and Mr. Nandan Arya, learned A.G.A. for the State.

Applicant Fathe Singh, who is in jail in connection with crime No. 325 of 2005, relating to offence punishable under Section 302 of I.P.C., P.S. Kotwali Roorkee, District Haridwar, has sought his release on bail.

According to the First Information Report, applicant is said to have committed murder of his brother with bricks and knife. However, during trial it appears that P.W. 1 Jeet Singh, P.W. 2 Ajay Kumar (informant), P.W. 3 Smt. Sarla (wife of the applicant) and P.W. 4 Gaurav (son of the applicant) have not supported the prosecution story and all the four witnesses so far examined, have turned hostile.

In the circumstances, without expressing any opinion as to the final merits of the case, this Court is of the view that the applicant, who is in jail for almost one year, deserves bail.

Let the applicant Fathe Singh be released on bail on his executing a personal bond and furnishing two sureties each of the like amount to the satisfaction of the court concerned.

Dt. 27.10.2006 (**Prafulla C. Pant, J.)**
H.Negi